

VOL 1 of 1

Ag

COURT OF CRIMINAL APPEALS NO.

CROO-1167

## APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

CIRCUIT COURT NO. CC 1999 327.60

CIRCUIT JUDGE GREENHAW

Type of Conviction / Order Appealed From: RULE 32

Sentence Imposed:

Defendant Indigent: ☒ YES ☐ NO

JOHN WILLIE MINNIFIELD

JOHN WILLIE MINNIFIELD

112145

NAME OF APPELLANT

(Appellant's Attorney)

(Telephone No.)

PO BOX 767

(Address)

CLAYTON

(City)

AL

(State)

36016

(Zip Code)

V.

STATE OF ALABAMA

(State represented by Attorney General)

NAME OF APPELLEE

NOTE: If municipal appeal, indicate above, and enter  
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

Exhibit H

**I N D E X**

**CLERK'S RECORD**

CASE ACTION SUMMARY	1-2
PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	3-25
ORDER FOR STATE TO RESPOND	26
MOTION TO DISMISS PETITIONER'S PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	27-32
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ORDER DISMISSING PETITION	44-46
NOTICE OF APPEAL	47
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ACRO372 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 1999 000327.60  
 OPER: REF CASE ACTION SUMMARY RUN DATE: 01/10/2001  
 PAGE: 1 CIRCUIT CRIMINAL JUDGE: SMG  
 THE CIRCUIT COURT OF MONTGOMERY

STATE OF ALABAMA

VS

MINNIFIELD JOHN WILLIE

P.O. BOX 767

AIS 112145

CLAYTON, AL 36016 0000

CASE: CC 1999 000327.60

DOB: 12/26/1939 SEX: M RACE: B HT: 5 11 WT: 185 HR: GRY EYES: BRO  
 SSN: 424509107 ALIAS NAMES: MINNIFIELD JOHN W. MINNIFIELD WILLIE  
 CHARGED1: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER:

DATE WAR/CAP ISS:  
 DATE INDICTED:  
 DATE RELEASED:  
 BOND AMOUNT:

\$ .00

DATE ARRESTED:  
 DATE FILED: 01/09/2001  
 DATE HEARING:  
 SURETIES:

DATE 1:  
 DATE 2:

DESC:  
 DESC:

TIME: 0000  
 TIME: 0000

TRACKING NOS: CC 1999 000327 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

=====

CSE: CC199900032700	CHK/TICKET NO:	000229951	GRAND JURY:
RT REPORTER:	SID NO:		
STATUS: PRISON	DEMAND:		OPER: REF

=====

DATE ACTIONS, JUDGEMENTS, AND NOTES

=====

1-10-01

Copy to DA

1-11-01

Order for State to Respond

2-06-01

motion to Dismiss Petitioner's Petition for Relief from Conviction or Sentence.

2-16-01

Amendment to Rule 32 Rebuttal

2-16-01

motion for Judgement notwithstanding the verdict or on the alternative, for New Trial

2-20-01

Order Dismissing Rule 32

3-5-01

Notice of Appeal

-12-01

Certificate of Appeal to Crim Appels, Ag, DA, Def. (w/forms) + Cr. reporters

2

3-27-01 forms filed

3

# PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,  
Alabama Rules of Criminal Procedure)

Case Number

ID 99 YR 327.60 NUMBER

IN THE FIR COURT MONTGOMERY COUNTY COURT OF MONTGOMERY ALABAMA

John Willie Minnifield vs. State of Alabama  
Petitioner (Full Name) Respondent

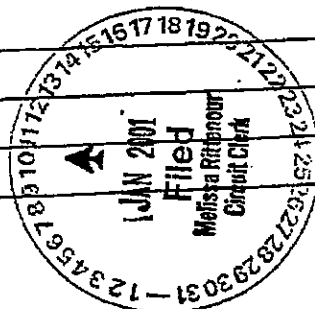
(Indicate either the "State" or,  
if filed in municipal court, the  
name of the "Municipality")

Prison Number 112145 Place of Confinement VENTRESS CORR. Facility

County of conviction MONTGOMERY COUNTY

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY  
THE ACCOMPANYING INSTRUCTIONS.

- Name and location (city and county) of court which entered the judgment of conviction or sentence under attack MONTGOMERY CO. CIR. CT. MONTGOMERY ALABAMA
- Date of judgment of conviction 2/7/2006
- Length of sentence 20 years
- Nature of offense involved (all counts) STALKING
- What was your plea? (Check one)
  - GUILTY \_\_\_\_\_
  - Not guilty X
  - Not guilty by reason of mental disease or defect \_\_\_\_\_
  - Not guilty and not guilty by reason of mental disease or defect \_\_\_\_\_



6. Kind of trial. (Check one)

(a) Jury X

(b) Judge only \_\_\_\_\_

7. Did you testify at the trial?

Yes X

No \_\_\_\_\_

8. Did you appeal from the judgment of conviction?

Yes X

No \_\_\_\_\_

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court Alabama Court of Criminals Appeals

(2) Result Affirmed

(3) Date of result \_\_\_\_\_

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court Same Court For Re-hearing

(2) Result Overruled

(3) Date of result 10/13/2000

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court Montgomery Circuit Ct

Newly Discovered Evidence

(2) Result NO Answer

(3) Date of result \_\_\_\_\_

5

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, motions with respect to this judgment, any court, state or federal?

Yes ✓

No \_\_\_\_\_

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

- (a) (1) Name of court Montgomery Co Cir Ct  
 (2) Nature of proceeding Newly Discovered Evidence  
 (3) Grounds raised Withholding evidence, Ringing witness before the Court without me being present, Complaint withheld changed date of Complaint from Nov. 21st to 23rd

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No ✓

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

- (b) As to any second petition, application, or motion, give the same information:

- (1) Name of court Montgomery Co Cir Ct  
 (2) Nature of proceeding Writ of mandamus Superseed  
 (3) Grounds raised Withhold evidence, Petite Jury No blk males, Struck them off State, Defected indictment fail to furnish me with Discovery, illegal evidence used by State

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No X

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

- (c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

- (1) Name of court MOTION IN limine Same Court

6

- (2) Nature of proceeding false Allegation
- (3) Grounds raised Deny OF Assessment To COURT  
Attorney General: Joseph MARSTON, False Allegation  
To Appeals COURT INCONSISTENCY WITH TRANSCRIPT  
Appeals To Judge Price To Squash my motion for  
Habeas Corpus, AN Mandamus for Jurisdiction  
 (attach additional sheets if necessary)
- (4) Did you receive an evidentiary hearing on your petition, application, or motion?  
 Yes \_\_\_\_\_ No X
- (5) Result Denied by Judge Price
- (6) Date of result Nov. 27, 2000
- (d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?
- |                           |           |             |
|---------------------------|-----------|-------------|
| (1) First petition, etc.  | Yes _____ | No <u>X</u> |
| (2) Second petition, etc. | Yes _____ | No <u>X</u> |
| (2) Third petition, etc.  | Yes _____ | No <u>X</u> |

**ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION  
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.**

- (e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

Due To Sap Classes NOT allowed Access To law  
books ARE library

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

## GROUNDS OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- X A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:



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- (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with undersanding of the nature of the charge and the consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- ✓ (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- ✓ (7) Conviction obtained by a violation of the protection against double jeopardy.
- ✓ (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- Pre-Trial ✓ (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

X B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

X C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

\_\_\_\_\_ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

X E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

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The facts do not merely a int to impeachment evidence; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

X F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

**13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:**

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes X

No \_\_\_\_\_

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court MONTGOMERY CIR. CT.

(b) Result Misleading STATEMENTS by ATT. Gen. To Squash

(c) Date of result \_\_\_\_\_  
(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes X

No \_\_\_\_\_

9

15. Give the name and address known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack:

- (a) At preliminary hearing Waived by Esquire John W. Hartley
- (b) At arraignment and plea John W. Hartley
- (c) At trial Self
- (d) At sentencing Self
- (e) On appeal Joseph Burkhardt
- (f) In any post-conviction proceeding Self
- (g) On appeal from adverse ruling in a post-conviction proceeding NA

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes \_\_\_\_\_ No X

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes \_\_\_\_\_ No X

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) And give date and length of sentence to be served in the future: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes \_\_\_\_\_ No \_\_\_\_\_

18. What date is this petition being mailed?

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

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## PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on 1/5/2001  
(Date)

[Signature]  
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 5<sup>th</sup> day of January, 2001.  
[Signature]  
Notary Public

OR \*

## ATTORNEY'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Name and address of attorney representing petitioner  
in this proceeding (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* If petitioner is represented by counsel, Rule 32.6(a) permits either petitioner or counsel to verify the petition.

Case Number

99	327
ID	YR NUMBER

(To be completed  
by Court Clerk)

**IN FORMA PAUPERIS DECLARATION**

Montgomery County Circuit Court Alabama  
(Insert appropriate court)

John Willie Minnifield  
(Petitioner)

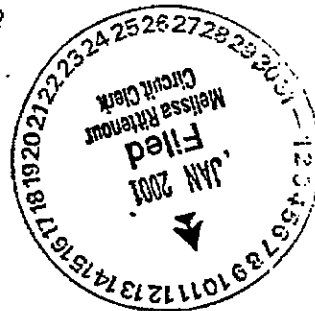
vs.

Mont Co. CC + State of Ala  
(Respondent(s))

**DECLARATION IN SUPPORT OF REQUEST TO PROCEED  
IN FORMA PAUPERIS**

I, John Willie Minnifield #112145, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes ☐ No ☒
  - a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.  
\_\_\_\_\_  
\_\_\_\_\_
  - b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.  
\_\_\_\_\_  
\_\_\_\_\_
2. Have you received within the past twelve months any money from any of the following sources?
  - a. Business, profession, or other form of self-employment?  
Yes ☐ No ☒
  - b. Rent payments, interest, or dividends?  
Yes ☐ No ☒
  - c. Pensions, annuities, or life insurance payments?  
Yes ☐ No ☒
  - d. Gifts or inheritances?  
Yes \$2000 No ☐
  - e. Any other sources?  
Yes ☐ No ☒



If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes \_\_\_\_\_

No ☒

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_

No ☒

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ (Date)

*John Willie Minnifield 11/2/45*  
Signature of Petitioner

### CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 204 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Ventress Institution:

*Computed monthly balances attached*

*11/8/01*  
DATE

*[Signature]*  
AUTHORIZED OFFICER OF INSTITUTION

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STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
VENTRESS CORR FAC

AIS #: 112145

NAME: MINNIFELD, JOHN

THESE FIGURES ARE AS OF: 01/08/2001

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
JUL	23	\$0.04	\$0.00
AUG	31	\$0.04	\$0.00
SEP	30	\$0.94	\$0.00
OCT	31	\$0.04	\$0.00
NOV	30	\$0.04	\$0.00
DEC	31	\$0.04	\$0.00
JAN	8	\$0.04	\$0.00



(1)

Rule 32.A-F

## Newly Discovered evidence.

State Withheld Complaint filed ON stalking by Vonciel ON Saturday Night Nov. 21st 1998, AN altered IT TO make IT seemed like when I talked with Nicholas Washington ON Monday Nov 23rd is when Petitioner was charged. See Discovery Casaranda Williams, why you did NOT go TO pick up legal mail at County Sheriff Office? State did NOT introduce INTO evidence during trial The Complaint AND Affidavit charging me with stalking ON The 21st. of November 1998. After Petitioner went by Lawanda Benson home in Riverside. Instead See November 23rd ON Ripley St. between Adam AND Washington Ave. whereas Petitioner talked with Nicholas Washington then driven off AND went home. See Course of conduct. NO CONTACT JUST A Plain Case of Denial of Due Process, Withholding of evidence, (2) Bringing witness before the court IN The Absence of Petitioner, (3) Invoking H.O.A. Without Petitioner being able To Challenge The legality of Those cases, (4) Fabrication of NCIC Report, (5) Falsifying cases before Grand Jury (6) A Bias AND Prejudice Jury that struck All Black Males From Jury. Use of illegal evidence From Cities cases which Petitioner had gave Notice of Appeal. See Transcript NO witness gave testimony To Petitioner. Stalking Vonciel NOT even her, To stalk is To disrupt. Direct Threat Harassment The must be combine To constitute stalking.



(2)

Due Process

Denial of due Process Whereas witness was brought before the Court after striking up petit jury without Petitioner Present. See Transcript Pg. 57 and 58. This was a intergal part of the trial which is not in pre-trial but in the trial itself. To have a colloquy with witness without Petitioner Present is Violation of Due Process State vs Gray 256 N.W.2d 74 Minn. 1977. There are several citing on this which is newly discovered evidence Petitioner had no knowledge of this happen until reading transcript.

{ Withholding evidence  
Hostile witnesses }

Elementha Pettis

LAWANDA BENSON

Rosebud Brown

Nicholas Washington

TIM BROWN Petitioner had NOT been notified whom witness would be. None of state witnesses could are were able to testify that John Minnifield stalked Vonciel Minnifield. Every thing they witness to is hearsay evidence. Not even Vonciel witness that she seen me following her, threatening her, there was no contact, no phone call, no visiting her residence AN/OR Job. This information was discoverable but state withheld this information, from Petitioner in violation of his 14th Amendment. Brady 373 U.S. 83 [83 S.Ct. 1196, 97 360 U.S. 264, 269 79 S.Ct. 1173 [1177], Hearsay Daniel vs State 650 A.2d 544, 554

Quil 373 U.S. 83 S.Ct. 1196 14 1st 2d 275

(3)

The Practice in SWAIN VS STATE STRIKING Black  
 Ventreremembers in Violation of SWAIN VS Alabama  
 380 U.S. 202 85 S. CT 824 13 Led 2d 759

### DENIAL OF DUE PROCESS

(1) Pre-Trial Suppression hearing is AN INTEGRAL PART of A Trial  
 Where ~~the~~ COURT brought WITNESS before the COURT, NOT  
 in the Present of defendant, whom were in holding cell  
 AND question them is a like of due Process which violate  
 one's rights to know whom he has to defend against  
 STATE VS GREY 256 N.W. 2d 74 MINNISOA (1977)

(2) UNDER Rule 9.1 ACCUSED OF AN/OR ANY offense is to be  
 Present AT ANY AND ALL PARTS of pre-trial hearing where  
 he has a chance to know whom the witness is face to face  
 See STINSON VS Commonwealth 712 S.W. 2d. 939-940  
 Fail to adhere to Rules of the Courts one must play  
 on even ball field, AND to violate that Rule is ACCUSED  
 MUST be afforded A NEW Trial. That is when  
 BRADY Rules VS Maryland 373 U.S. 83 83 S. CT 1194, 10 Led  
 2d. 1217, withholding evidence that could have been  
 very crucial to ACCUSED to be afforded A fair Trial  
 RAINEY VS STATE 429 S.O. 2d 1104 1108

(3) Withholding evidence by STATE that could have changed  
 the outcome of the trial is a violation of due process

(24)

17

Ex Parte Stuart 574 So.2d 901, 903

State vs. Ainsworth 501 So.2d 1265

State vs. Gray 256 N.W.2d 74 Minn.

The Court held that a Pre-Trial Colloquy is an integral part of a criminal trial and that it violate the Due Process and Confrontation Clause, of the State, AND/OR Federal Constitution to conduct such a hearing, is taken in the absence of defendant, accused of any AND/OR accused offense, is mandatory to be present at any colloquy under Rule 9.1 and to violate that Rule 9.1

under Stinson vs Commonwealth 712 S.W.2d 939, 940

Withholding evidence by state could have been very crucial to defendant. Under Brady vs Maryland 373 U.S.

83, 5 E. 1194 10 Fed 2d 1217 AND/OR Raines vs State 429 So.2c

1104, 1128 Cause for a New Trial. State withheld complaint filed to Sheriff office on Nov. 21st 1998 charged Stalking.

#### Hearsay Evidence

None of state witness testified they seen me Stalking Vanciel Minnifield. To stalk one has to make contact by Threat, Contact, Gesture, Following without disruption is not stalking

Hearsay evidence is not direct proof that one

committed a crime - Unlike Slay vs McKean 317 So.2d

AND/OR Haynes vs State. There were no violence lying in wait, Disruption, Phone calls, Visiting home, Job follow-up. Vanciel statement never called never following.



(5)

## FACTS CITED

EX PARTE STOUT 547 SO 2d 901 HY 903

IN STATE VS. GREY 256 NW 2d 74 MINN (1977)

The COURT held THAT A Pre-Trial suppression hearing IS AN INTEGRAL PART OF A CRIMINAL TRIAL AND THAT IT VIOLATES THE DUE PROCESS AND CONFRONTATION CLAUSE 8 OF THE STATE AND FEDERAL CONSTITUTIONAL TO CONDUCT SUCH A HEARING AT WHICH SWORN TESTIMONY OF PROSECUTION WITNESS IS TAKEN IN THE ABSENCE OF DEFENDANT. STATE VS. ANSWORTH 501 SO 2d 1265

ENTITLED TO  
EXCERDENTARY HEARING

AUSTIN VS STATE 533 SO 2d 637 R/12 CHIM APP.

ALEXANDER VS STATE 462 SO 2d 955 CHIM APP

EX PARTE CHAMBERS 522 SO 2d 313 1987 REV

BRANNON 547 SO 2d 68 (1989) REV

BATSON 476 US AT 97, 106 S. CT 172

PEREMPTORY CHALLENGES IN A RACIALLY DISCRIMINATORY MANNER ACHES VS STATE 548 SO 2d 459 (1987)

SHOWN WHERE THE STATE STRUCK ALL BLACK MALES OFF THE JURY. WHICH SHOW ONLY 3 FEMALES AND/OR 9 WOMEN'S AND THE JUDGE WAS FEMALE, DETECTIVE WAS FEMALE. SHOW THAT THE STATE HAS HELP FABRICATE THIS ODDSY NO FACTS OF STALKING BUT WITHHOLDING OF EVIDENCE, NO DISCOVERY MOTION EVEN

THOUGH PETITIONER FILED FOR IT. ON 5, 25, 99 SEE PG. 25.

SEE PG. 33 FALSE ALLEGATION AND/OR CHARGES BY STATE CONSTITUTE FRAUD AND DECEPTION BY STATE TO CONSPIRE WITH VICTIM

CC

(6)

Premotory strikes by state excluded All black males in  
 Racially discrimination manner. Aches vs State 548 So 2d 459 (1988)  
 Batson vs Kentucky 476 US AT 97, 106 S.Ct. 1723.

### Pre-emptory strikes

State	Age mo date year	Defendant
210 B.M.	2,25,46	255 D 5,8,57
220 B.M.	12,11,73	250 W.F 7,18,77
273 W.M.	6,29,54	225 W.M 10,9,63
280 B.F.	7,23,74	282 BF 9,29,70
240 B.M.	1,9,68	201 BF 10,22,75
261 B.F.	4,5,36	277 W.F. 3,18,29
230 B.F.	12,11,62	199 B.F. 4,8,51
224 W.M.	3,11,59	219 W.F. 2,2,34
287 W.M.	7,7,43	217 BF 5,10,71

M	(197) Richard Lampkin	1-23-53	(265) David Penn	11-9-63	M
	(199) Dorothy Lee	4-8-51	M	Rachelle Leslie	
M	(200) Heather Leonard	3-27-67			
M	(206) Sarah Lewis	10-4-45			
M	(207) Linda Livingston	10-1-51			
S	(211) Claudia Lowe	9-26-53			
S	(215) Gwendolyn Lusale	6-21-57			
	(221) Joellen Marshall	12-21-51			
	(227) James McIndoe	7-6-50			
	(233) Lillian McNiren	5-12-32			
	(236) Barbara Winston	10-30-69			



Z

(7)

U.S. VS AGUAS 427 U.S. 97 112 96 S.Ct 2992 2402 49 Led 2d 346

BROWN VS TEXAS 443 U.S. 4199 S.Ct 2637 61 Led 2d 357

Schoon VS UNITED STATE 337 F 2d 563 8th Cir. (1964)

Butler VS STATE 380 So 2d 381 Ala Crim App (1980)

#### Heathsay

Edeman VS STATE 423 So 2d 276 279 So (1982)

Mc Elroy VS STATE 254 A1 (8) Gamble Ab. Evidence 242 01.1

3rd (1977) Levenett VS STATE 19 Ala App 578 580 93 So. 347 349

Davis VS Travis 475 So 2d 654 Daniels VS STATE 650-544 55

#### Influence Jury

Sander VS STATE 1171.1 (2) 1(71) (3) Reversal error

IN Closing Argument by STATE Pg 326 Trying To Kill That

Person, his Property. Nowhere I Told The Jury

I Were going to bring in lots of witness

Pg. 327, Tim Brown Never said I Ran Them off

The Road I Never said I Were out To get her

Pg. 329 I Told ms BENSON with a gun I were going To

Kill her Pg 333 IN front of The Judge I would have

Used That hatchet on her 2 years he Terrorize

her life you The Jury have To follow The Judge

INSTRUCTION lie To save your Neck (yes sir). Phone E

Visiting her Job All UNDER STATE Petitioner did All This

See: Transcript UNfounded AS STATE Alleged.

(9)

Law vs Facts Driftwood vs Briggs 620 So 2d 582

Scruggs vs Scruggs may set aside any credible evidence 456 so 2d 319

McCoy vs McCoy 549 So 2d 53

Jones vs U.S. 526 U.S. 227, 243 N 6 (1999) 6th Amend

U.S. vs Castellanos 904 F 2d 1490 11 Cir. (1996)

U.S. vs Lewis 115 F 3d 1531 11 Cir 1997

US vs Jackson 57 F 3d 1012 11 Cir 1995

James R. Conant 700 so 2d 1200-1201 Ala crim app 1997 Examine Bail

Powell vs State 285 Ala 230 231 so 2d 103 June

Campbell v Campbell 55 Ala app 444 New Trial

Allen vs State 55 Ala app 549 Bias

Green vs Ga. 442 US 95 9799 S.Ct 2150 2151 <sup>seen any evidence</sup> 604 so 2d 738 (1979)

U.S. vs Wiltner 889 F 2d 1004 1007 11 Cir (1989)

Thompson vs State 563 So 2d 571, 580 (1986)

Swain vs State 380 Ala 202 85 S.Ct 824 13 Fed 2d 759

Raines vs State 429 So 2d 1104 1108 Withholding evidence

Davis vs US at 342 93 S.Ct 1582, June

State has failed to give exoneratory hearing  
 AND/OR Reason for denial of any motion  
 in violation of Due Process of Law



(9)

Prin vs State 616 So 2d 381

Bibbs vs State 237 So 2d 815 46 31

Wright vs St 421 So 2d 1324

Walker vs St 86 So 257 12 app 55

McCormick vs St 919 F.2d 1543

Shaw vs State 18 Ala 547

Ellison vs St 312 So 2d 632 app 50

Madden vs State 40 Ala. App 271 112 So 2d 796 1954

6th Amend Article I Section 6 Ala 1901, Art No 77 Supra

(4)(5) Lack of fair trial and/or Due Process

H.O.A.

State failed to show Proof of H.O.A Certification  
 Whereas in timely manner to give Petitioner a chance  
 to Challenge Validity of Charges. Therefore  
 on day of sentence were improper, and can  
 only be hearsay evidence. Without Parol evidence  
 of Prior Cases from Custodian was a Prejudicial  
 error. Code of Ala Title 7 383(A) 383(3) 386 Supra

CTI Rule 45. (10) Right to Cross examination of witness  
 CONST. 1901 6 U.S. CA CONST. AMENDS (6)(14)

Lowry vs State 55 Ala App 514 AT (8) 662 (4)

State failed to make or lay a predicate, provide uniform  
 procedure, Transfer of Record is improper. Calls.

For a Reversible and/or New Trial, Code of Ala

Lowry vs State 55 Ala App 511.

Pg. 9.

## Brady Vs. Maryland

373 US 83 83 S. CT 1194 10 Led 2d 215

373 US 87 [83 S. CT 1196, 360 US, 264 269 79 S. CT 1173 [1177]

Withholding of evidence by state. (1) Complaint filed by  
 Voxiel MINNIFIELD NOV. 21ST With Stalking. (2) ON MONDAY  
 NOV. 23rd. 1998. Complaint was charged with Stalking.  
 STATE KNEW ALL along There were NO Stalking This is  
 Why STATE Never introduced into evidence of The 21st  
 Incident. AND ON Monday There could NOT have been  
 Stalking AT 7:30 AM Complaint never gotten to  
 work UNTIL 8:30 AM. Are Nearly 9 AM Where was The  
 Stalking?

DENIAL

## Due Process

AN Integral Part of A Trial is ACCUSED Person has  
 Rights To be Present. Whereas Witness were brought  
 before The Court Without Defendant being present  
 To see Whom were To Testify For The STATE AN TO  
 What There Testimony would contain. Newly Discov  
 State VS Grey 256 N.W 2d 74 MINN 1977

Anderson VS NY 16 2d 282, 266 Hostile Witness  
 only found out Through Transcript STINSON VS Commonwealth  
 712 SW 2d 939 940. Peagel VS State 11D 11-2D 50 363  
 651 50 2d 631. Rule 9.1 ALA. This were NOT Pre-Trial  
 Suppression but After The Jury was struck.

Pg 10

INDICTMENT IS faulty AN/OR defected For Failing TO Track The language of The Statute See; UNITED STATE VS BALINT 258 U.S. 250 S. CT. 0.5

Elements For Failing TO STATE KNOWINGLY, No Time Frame  
No geography location, Rule 13. 2 A.R.I.P  
STEWART VS STATE 580 SO 2d. 27 aka app 1991  
Walker Principle 356 SO 2d 674  
Harper Contention Along With The Crump Case  
417 SO SO 2d AT 614.

### SUMMARY JUDGEMENT

PETITIONER CONTENTION IS THAT The State of Alabama Will Honor This Motion, AND Produce The body before The COURT IN This Post Relief Petitioner AN give Relief AS Afforded by law From This UNJUST SENTENCE AN/OR give PETITIONER A NEW TRIAL TO Prove The Allegation That The State AND Alleged Victim has Fabricated on one John Willie Minnifield, in Violation of The Due Process Clause (A.R.I.P) AN/OR The Code of Ala. 1975. The UNITED STATE CONSTITUTION, IN Violation OF PETITIONER CIVIL RIGHTS AN/OR Witholding Discoverable INFORMATION, PETITIONER hope AND TRa, COURT Will Vacate SENTENCE, AND GRANT New TRIAL. AND ANY Relief deem Reasonably in This Post Conviction Relief Respectfully Submitte  
PETITIONER JOHN W. MINNIFIELD  
Done This 8th day of JAN. 20

26

IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA

JOHN WILLIE MINNIFIELD,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

\*  
\*  
\*  
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\*

CASE NO. CC-99-327.60 GR

ORDER

This cause is before the Court on a Rule 32 Petition filed by Petitioner. The Court having considered the matter it is ORDERED that the State is given 30 days from the date of this Order to file a response to said Petition.

DONE this the 11th day of January, 2001.

*Sally Greenhaw*

SALLY GREENHAW  
CIRCUIT JUDGE

**RECEIVED**

*1-16-01*

CIRCUIT COURT CLERK

copies:

Daryl Bailey, D.D.A.

JOHN WILLIE MINNIFIELD  
AIS 112145  
VENTRESS CORRECTIONAL FACILITY  
P.O. BOX 767  
CLAYTON, AL 36016

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA  
Respondent

v.

JOHN MINNIFIELD  
Petitioner

CC 99-327.60 SMG



MOTION TO DISMISS PETITIONER'S PETITION FOR RELIEF FROM  
CONVICTION OR SENTENCE

Comes now the State of Alabama by and through its District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and hereby requests that this Honorable Court dismiss the Petitioner's Petition For Relief From Conviction or Sentence and for grounds would state as follows:

1. Petitioner alleges that the State altered evidence and failed to introduce the complaint and affidavit.
  - a. Introduction of an affidavit and complaint as an evidentiary exhibit is not required under the law.
  - b. Petitioner's allegation that the State altered evidence is a bare allegation with no factual basis of support. Rule 32.6(b) of the *Alabama Rules of Criminal Procedure* states that a "petition must contain a clear and specific statement of the grounds upon which relief is sought, including a full disclosure of the factual basis of those grounds. A bare allegation that a constitutional right has been violated and mere conclusions of law shall not be sufficient to warrant any further proceedings."

2. Petitioner alleges that the State brought witnesses before the Court in his absence.

- a. Rule 32.6(b) of the *Alabama Rules of Criminal Procedure* states that a "petition must contain a clear and specific statement of the grounds upon which relief is sought, including a full disclosure of the factual basis of those grounds. A bare allegation that a constitutional right has been violated and mere conclusions of law shall not be sufficient to warrant any further proceedings." Petitioner has failed to abide by the requirement of this rule.

3. Petitioner alleges that the State invoked the Habitual Offender Law without giving him an opportunity to challenge the legality of his prior convictions.

- a. Petitioner was given ample opportunity to contest the validity of his priors before he was sentenced. Petitioner was notified in writing by the undersigned prosecutor on March 9, 1999 that the State intended to invoke all sentence enhancements including the Habitual Offender Law at the time of sentencing. Petitioner's priors were also documented in this same letter (see attached exhibit A).
- b. Petitioner also had from January 12, 1999, date of his conviction, to February 7, 1999, date of his sentencing, to contest the validity of his priors.

4. Petitioner alleges that the State fabricated his NCIC report and falsified cases before the Grand Jury.

- a. Rule 32.6(b) of the *Alabama Rules of Criminal Procedure* states that a "petition must contain a clear and specific statement of the grounds upon which relief is sought, including a full disclosure of the factual basis of those



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grounds. A bare allegation that a constitutional right has been violated and mere conclusions of law shall not be sufficient to warrant any further proceedings." Petitioner has failed to abide by the requirement of this rule.

5. Petitioner claims that all black males were illegally struck from the jury which heard his case.

a. Rule 32.6(b) of the *Alabama Rules of Criminal Procedure* states that a "petition must contain a clear and specific statement of the grounds upon which relief is sought, including a full disclosure of the factual basis of those grounds. A bare allegation that a constitutional right has been violated and mere conclusions of law shall not be sufficient to warrant any further proceedings." Petitioner has failed to abide by the requirement of this rule.

6. Petitioner alleges that the State's witnesses were unable to state that victim was being stalked by the Petitioner.

a. This allegation raised by the Petitioner is precluded by Rule 32.2(a)(2) of the *Alabama Rules of Criminal Procedure* which states that a "petitioner will not be given relief under this rule based upon any ground which was raised or addressed at trial." This was clearly the issue before the jury that decided Petitioner's case and their decision as evidenced by their verdict was that the witnesses were able to prove that Petitioner was guilty of stalking the victim.

7. The issues that Petitioner raised in the above referenced Petition were addressed and answered in this instant document to the best of the undersigned's ability to decipher the mostly incoherent writing of the Petitioner.

8. Petitioner's petition is due to be dismissed based on the grounds stated above and also due to the fact that all of the issues raised by Petitioner were raised on appeal or could have been but were not

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and are therefore precluded by Rule 32.2(a)(4),(5) of the Alabama Rules of Criminal Procedure.

Wherefore premises considered, the State requests that this Honorable Court dismiss Petitioner's petition and assess all related costs to Petitioner.

Respectfully submitted this 5<sup>th</sup> day of February, 2001.

Eleanor I. Brooks  
District Attorney

By: Daryl D. Bailey  
Daryl D. Bailey  
Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the Petitioner by placing a copy of the same in the U.S. mail addressed to his last know address this 5<sup>th</sup> day of February, 2001.

Daryl D. Bailey  
Daryl D. Bailey  
Deputy District Attorney



"Exhibit 1"

31

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,

v.

JOHN WILLIE MINNIFIELD,  
Defendant.

CC No. 99-0327-SMG

NOTICE OF  
DISCOVERY TO DEFENDANT,  
INTENT TO USE PRIOR CONVICTIONS,  
INTENT TO INVOKE SENTENCING ENHANCEMENTS,  
INTENT TO OFFER PROOF BY A CERTIFICATE OF ANALYSIS, and  
MOTION FOR DISCOVERY BY THE STATE

COMES NOW the State of Alabama, by and through its District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and gives notice as to the following:

(✓) 1. Pursuant to Rule 16.1, A.R.Cr.P., and as otherwise required by law, all available discovery has been provided or made available to the Defendant's counsel of record. Physical evidence, if any, is in the custody of the investigating law enforcement agency or the Alabama Department of Forensic Sciences. Arrangements to inspect physical evidence may be made by contacting the undersigned.

The State has, with this notice, furnished a copy of the complete "case file" (less work product) to Defense Counsel. This material is page numbered sequentially from 000001 to 99-101-103. The State will consider this discovery material to have been received in its entirety by Defense Counsel unless the State is notified in writing of any discrepancies.

(✓) 2. The State intends to use at trial any and all prior convictions, crimes, wrongs, or acts of the Defendant for those uses permitted by Rules 404(b) and 609 of the A.R.E., and as otherwise allowed by law. The State is presently aware of, and intends to use, the following:

<u>Burglary 11 CTS Talapoosa 1961</u>	<u>Burglary Talapoosa 1986</u>
<u>Rabbery St. Clair 1969</u>	<u>Burglary 7 CTS Talapoosa 1980</u>
<u>Burglary: Grand larceny St. Clair 1975</u>	<u>Grand larceny Autauga 1981</u>
<u>Grand larceny St. Clair 1975</u>	<u>Burglary II Autauga 1985</u>
<u>Burglary II Marengo 1980</u>	<u>Grand larceny Autauga 1985</u>

(☒) 3. The State intends to invoke all sentencing enhancements required or permitted by law, including the Habitual Felony Offender Act based on any applicable felony convictions, known and or any convictions which may subsequently be disclosed, and if applicable, the following:

(☐) Enhancement for use of firearm of deadly weapon.  
Minimum term of imprisonment of \_\_\_\_\_ years.

(☐) 4. Pursuant to Sections 12-21-300 through 303, Code of Alabama, written notice is hereby given of the State's intent to offer proof by a certificate of analysis in lieu of direct testimony. The certificate of analysis is from the Alabama Department of Forensic Sciences and is included in the provided discovery material.

(☒) 5. Pursuant to Rules 16.2 and 16.4(c), A.R.Cr.P., and as otherwise required by law, the State requests a copy of all discovery to which it is entitled and hereby moves this Honorable Court for an order granting same to the State.

Respectfully submitted this 9 day of March, 1999.

ELEANOR I. BROOKS  
District Attorney

By: Darryl D. Bailey  
Darryl D. Bailey  
Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served upon the Honorable Wiley Hartley by hand delivery or by placing a copy thereof in the United States mail, postage prepaid and properly addressed this 9 day of March, 1999.

ELEANOR I. BROOKS  
District Attorney

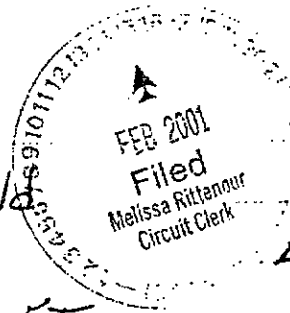
By: Darryl D. Bailey  
Darryl D. Bailey  
Deputy District Attorney

SMG

pg. 1

John Willie Minnifield

Vs

MONTGOMERY CO. CIR. CT.  
STATE OF ALABAMA

LC No. 99-327, 60, SMG

Feb. 13th 2001 8 pages

## AMENDMENT TO Rule 32 Rebuttal

Whereas STATE OF ALABAMA filed MOTION WITH THE COURT IN Case No LC 99-327.60 SMG TO DISMISS PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(1) STATE CLAIMS ARE ALLEGATION FROM ALTERED EVIDENCE AND FAILED TO INTRODUCE THE COMPLAINT ALABAMA RULES OF CRIMINAL PROCEDURE STATES THAT A PETITIONER MUST CONTAIN A CLEAR AND SPECIFIC STATEMENT OF THE GROUNDS UPON WHICH RELIEF IS SOUGHT, INCLUDING A FULL DISCLOSURE OF FACTUAL BASIS OF THOSE GROUNDS. IN RULE 32, THERE ARE FACTUAL BASIS AND EVIDENCE AS IN RULE 32

(2) EVIDENCE FROM SHERIFF DEPT. THAT WAS TURNED OVER TO D.A. OFFICE, AN CLERKS WHEREAS VICTIM FILED STALKING CHARGES ON THE PETITIONER ON THE 21ST. OF OCT. 1998, SATURDAY NIGHT ON HEARSAY EVIDENCE FROM LAWANDA BENSON (1) IN RIVERSIDE WHEREAS THE PETITIONER TALKED WITH MS. BENSON STALKING CHARGES COULD NOT SURVIVE THERE BECAUSE ALLEGE VICTIM WAS NOT AT THAT ADDRESS OF HEARSAY ALLEGATIONS THAT TRANSPIRED THROUGH CONVERSATION

g(1a)

## MOTION FOR JUDGEMENT

NOTWITHSTANDING THE VERDICT OR/IN THE ALTERNATIVE, FOR  
NEW TRIAL

PETITIONER JOHN WILLIE MINNIFIELD MOVE THE COURT TO SET ASIDE THE VERDICT AND JUDGEMENT ENTERED IN THE ABOVE STYLED ACTION OF FEBRUARY THE 12TH 2000, AND ENTER THE JUDGEMENT IN FAVOR OF THE PETITIONER, IN ACCORDANCE WITH THE NEWLY DISCOVERED EVIDENCE. PETITIONER ALSO MOVE FOR A DIRECTED VERDICT OR IN THE ALTERNATIVE, THE PETITIONER JOHN WILLIE MINNIFIELD MOVES THE COURT TO SET ASIDE THE VERDICT AND GRANT THE PETITIONER A NEW TRIAL ON THE FOLLOWING GROUNDS HEREIN AS FOLLOWING PROCEDURE OF NEWLY DISCOVERED EVIDENCE.

- (1) DENIAL OF DUE PROCESS (a) WITHHOLDING FAVORABLE EVIDENCE, (b) <sup>IN</sup> BRAD
  - (2) DENIAL TO BE CONFRONTED BY STATE WITNESSES AT TRIAL
  - (3) DEFECTED INDICTMENT
  - (4) HEARSAY EVIDENCE WITHOUT DIRECT PROOF
  - (5) PROOF BY THE DEPUTY ON DUTY THAT COMPLAINT WAS FILED OCT 21ST 1991
  - (6) DID NOT RECEIVE MOTION FOR DISCOVERED EVIDENCE AS AFFORDED
  - (7) THE INVOKING OF THE HOA TO CHALLENGE
  - (8) FABRICATING N.C.I.E. REPORT OF UNFOUNDED PRIORS
  - (9) STATE VIOLATED THE RULES OF BATSON IN PREEMPTORY CHALLENGE
  - (10) ILLEGALITY OF THE STATUTE ON STALKING AND TIME AND PLACE
- SEE: TRANSCRIPT THE INDICTMENT STATED THE STALKING ALLEGES TO TAKEN PLACE ON OCT. 23RD 715 BETWEEN AN #140AM AT THE PLAZA ON WASHINGTON AVE. SEE VONCIEL STATEMENT AND NICHOLAS WASHINGTON WHERE IT TAKEN PLACE.

Pg 2

With Ms Benson, so there was no factual basis to withhold this information from the jury and/or the court, but to get a conviction the petitioner still alleges that on Monday Oct. the 23rd, 1998 the warrant was again issued whereas the petitioner talked with Nicholas Washington on Ripley St. and left message by Mr Washington what to tell my wife former that is and/or was victim was not in building nor would be there for another 2 hours. The petitioner was no where in that part of town nor in between her residence and work place. See: transcript nor victim seem to recall seen me on the 23rd or Oct. where was the stalking?

#### Direct Proof

(3) Petitioner found out and have the direct proof that they is a deputy for the Sheriff Dept. that there duty was working from the 10 to 6 AM shift, that there duties on Oct. the 21st that Vonciel did come in and sign a complaint of stalking on that night this is newly discovered evidence that was revealed to the petitioner after the trial. Petitioner did write the warrant and/or complaint office and gotten this information which require an evidentiary hearing for a possibly new trial and/or whatever relief the court deems fit.



pg<sup>3</sup>

(2) Petitioner still alleges that STATE brought witnesses before the COURT in Petitioner's absence. True See: TRANSCRIPT Pg. 57, 58. AFTER the JURY was impaneled for a colloquy without the Petitioner present to see whom ARE the hostile AND/OR inhostile witnesses was AND/OR what their testimony would be. IN ORDER to impeach their credibility. The Petitioner has a right to meet his ACCUSER before trial which violates one 5th, 8th AND/OR 14th Amendment. Petitioner did NOT know about this violation UNTIL the TRANSCRIPT was turned over to the Petitioner AFTER Council filed appeal to Appellate COURT. This is newly discovered evidence to the Petitioner, which call for AND/OR evidentiary hearing, AND possibly new trial. Petitioner AND/OR whatever the COURT deems fit.

(3) STATE contended the invoking of the HIOA was given the notice in ample time for a challenge to PRIOR ACTS according to Rules 16.2 AND 16.4 A.R.L.P. Required by law. Petitioner was NOT notified ON the 9th day of March 1999 AS STATE contended.

(3A) See TRANSCRIPT Pg. 25 The Petitioner filed motion for discovery AND motion for to dismiss Council John Wesley Hartley ON APRIL 29th 1999 AND move to represent self. Petitioner was NOT afforded discovery AS requested to the extent in a timely manner AS required under.

Pg 44

RULES OF CRIMINAL PROCEDURE, EVEN STATE COULD NOT HAVE PROVED PRIOR ACTS WHEREAS STATE DID NOT HAVE CERTIFIED DOCUMENTED PRIORS NOR DID STATE SPEAK OF INVOKING THE H.O.A UNTIL FEB. 12TH SENTENCING DATE, 2000. STATE DID NOT RECEIVED FROM THE CLERK OF THE COURT MARENGO CO UNTIL 2-9-2000. THIS INFORMATION. SEE: TR. PG. 53 2-9-2000 COOSA COUNTY CLERK IN COOSA COUNTY DID NOT RECEIVE REQUEST FOR THE RECORDS FROM MONTGOMERY UNTIL JANUARY 28-2000 REQUESTED BY STATE TO TALLAPOOSA COUNTY JANUARY 18TH, RECEIVED RECORDS AT D.A.'S REQUEST 2-9-2000.

- (1) Requested for Records JAN. 14TH 2000, MARENGO REC. 2-9-2000
- (2) " " " " JAN. 28TH 2000, COOSA REC. 2-9-2000
- (3) " " " " JAN. 18TH 2000, TALLAPOOSA REC. 2-9-2000

PETITIONER WAS SENTENCE FEB. 12TH 2000. THERE WAS NOT AMPLE TIME TO TEST THE VALIDITY OF THE CONTENT WHICH IN VIOLATION AND SHOULD NEVER BEEN USED DUE TO VIOLATION THAT THIS INFORMATION WAS SENT TO D.A.'S OFFICE AND NOT THE CLERK OF THE MONTGOMERY CO. CIR. COURT, IN VIOLATION OF THE A.R.C.P. THE PETITIONER CONTESTED THIS IS NEWLY DISCOVERED EVIDENCE, WHICH REQUIRED AN EVENDETERARY HEARING FOR A POSSIBLY NEW TRIAL AN/OR WHATEVER RELIEF THE COURT DEEMS FIT.

pg 5

(4) State Claim There is NOT PROOF NELE Report Was NOT Fabricated. PETITIONER has PROOF No where IN ANY NELE Report That The PETITIONER Was CONVICTION imposed ON RECORD OF The following

(1) ROBBERY ST CLAIR CO. 1969

(2) BURGLARY ST CLAIR CO. 1975

(3) BURGLARY AUTAUGA CO 1985

(4) BURGLARY T.C.S Tallapoosa CO 1980

(5) GRAND LARCENY AUTAUGA CO 1985 + 1981

(6) BURGLARY 11 CTS Tallapoosa CO. 1961

(7) GRAND LARCENY ST CLAIR CO. 1975

The PETITIONER did NOT Receive The Motion for discovery AS AFFORDED by A.R.C.P. This Newly discovered evidence Which Require AN evententary hearing for Possibly New TRIAL AN/OR whatever Relief The COURT deems fit.

State Claim That The PETITIONER failed To Abide by The Rules OF A.R.C.P. IS A bare Allegation. PUTTING The Above before The GRAND JURY is IN VIOLATION OF The PETITIONER CONSTITUTIONAL RIGHTS Afforded by The 1st 5th 6th 8th AN/OR 14th AMENDMENTS OF The UNITED STATES OF AMERICA. None of These issues Was NOT Raised ON Appeal because They Was NOT KNOWN IN TIME for of before TRIAL. NO fault OF The PETITIONER.



Pg. 6

(5) State have to claim the Alleged Jury Was STRUCK IN COMPLIANCE WITHIN THE CONFINES OF THE RULE OF A.R.C.P. IN PREATORY STRIKES. NOT SO IN BATSON VS KENTUCKY, 476 US 97, 106 S. CT 1723 SWAIN VS STATE 380 US 202, 85 S. CT 824 13 LEd 2d 75. The Record Will Show State did NOT have ANY black males on PETIT JURY whereas both Party Was blacks This is IN VIOLATION OF THE 5th AN OR 14th AMENDMENT. PETITIONER CONTENDS THAT THIS IS A CLEAR CONDUCT OF BIAS AN PREJUDICE TO THE PETITIONER; CONTEX is he Should be AFFORD AN EVENDETARY hearing for a POSSOBLY NEW TRIAL AN/OR WHATEVER RELIEF THE COURT deems fit

State in its Motion has sidestep The issue ON The illegality of The stalking STATUTE by saying he CANNOT decipher The MOSTLY INCOHERENT WRITING OF THE PETITIONER. A BARE ALLEGATION by The STATE. TO SEEK THE TRUTH AN/OR FACE UP TO THE FACTS THAT ALL OF THE ALLEGATION Namely Above is Newly Discovered evidence AND Should NOT be dismissed which Will Prove The PETITIONER is NOT Guilty AS Charged.

INDICTMENT

STATE KNOW THAT THE INDICTMENT is defaulty which PETITIONER WAS NEVER SERVED WITH A COPY OF THE INDICTMENT which is faulty

Pg 1

EJUSDEM GENERIS - NOT CLEAR OF WHAT IS PROHIBITED  
IS NOT CLEAR ON IT FACE AND/OR IN THE TRACKING  
NO ELEMENTS AS IN AIELLO VS WILMINGTON  
623 F.2d 845, 850 3rd cir [19] [4th] WHERE WAS  
THE INTENTIONAL? SHOULD BE REVERSE

LULBREATH VS STATE

#667 SO 2d 156 (1995) ENGAGES IN AN INTENTIONAL  
COURSE OF CONDUCT DIRECTED AT A SPECIFIED AND  
TO THAT PERSON. NOT SO HERE THIS IS NEWLY  
DISCOVERED EVIDENCE THAT THE D.A. CAN  
DECIPHER.

LIKE OF DUE PROCESS

THE BASIC PRINCIPLE OF DUE PROCESS THAT AN  
ENACTMENT IS VOID FOR VAGUENESS IF IT PROHIBITION  
ARE NOT CLEARLY DEFINE. IN ROBINSON VS U. STATE  
324 U.S. 282, 286 65 S. CT. 666, 668 89 LEd 2d 94  
THE AIA STALKING HAS TRAPPED THE INNOCENT BY  
NOT GIVING FAIR WARNING.

illegal evidence

STATE DID USE CITY CASES WHICH WAS ON APPEAL  
A.R. 18472d 304 WIGMORE ON EVIDENCE 3rd ed Vol  
2, 304 STATE CANNOT USE IN EVIDENCE OTHER  
ACTS TO HAVE BEEN COMMITTED TO SHOW A  
TENDENCY TO HAVE COMMIT THIS CASE IS A  
VIOLATION OF A.R.C.P. THE PETITIONER IS REQUEST  
FOR BY THE STATE FOR FILING FEE WHICH IS  
UNLAWFUL TO PAY FOR FILING.

7-A

A Clear AN Precise enactment May Nevertheless be  
OVERBROAD" if in it Reach, it PROHIBITS Constitutionally  
CONDUCT," WITHOUT CLARIFICATION by A Thourgly investigation  
FROM All side, AN/OR both PARTIE, S.

### Following

is NOT Prohibited Where There is NO disruption OF ONE, S  
Freedom OF Movement. AND by ACCIDENTLY be in The same  
Place by CHANCE, AND NOT INTENTIONALLY.

### Credible Threat, S

WORTHLY TO CARRY OUT AND OR Reach IT FRUITION TO HARM  
by ENGAGING some SORT OF CONDUCT, S AND OR PROVEN  
FACT, S, PRIOR ACT, S OF VIOLENCE.

### Fear, S

EVERY ONE IS FEARFUL OF something in life. There Must  
be DIRECT PROOF by Some Type OF ATTEMPT engaugment  
AND/OR ACT, S OF INTIMIDATION FROM ONE TO ANOTHER  
AN/OR PRIOR ACT, S TO believe AND why.

### Witness

Witness MUST be Credible by INVESTIGATOR OF PRIOR ACT  
OF UNTRUTHFUL. IN SWORN before The COURT TO be  
lying is A PERJURY, AND False imprisonment is liable

SMITH VS STATE 551 502d 1161 1165

MORTON VS STATE 651 502d 42

Pg 8

## Vagueness

DODGE, 32 F 3d 1443 CITATION OMITTED  
 [13] THE PETITIONER FINAL ARGUMENT IS THAT RESOLUTION  
 68-92 IS UNCONSTITUTIONALLY VAGUE IN THIS PREENFORCE  
 MENT CONTEXT, THE COURT WITHHOLD THE PETITIONER  
 CHALLENGE ONLY IF THE ENACTMENT IS IMPERMISSIBLY  
 VAGUE IN ALL ITS APPLICATIONS WHICH IS TRUE IN  
 THIS CASE WE SEE: IN MCCRARY VS STATE 429 SO 2d-  
 1121 VAGUENESS (251) AS IN BUCKLEY VS VALEO 464 U.S.  
 659, 424 U.S. 1 96 S. CT 612 NO MAN SHALL BE  
 HELD CRIMINALLY RESPONSIBLE FOR CONDUCT WHICH  
 HE COULD NOT UNDERSTAND AS IN HARRIS 347  
 U.S. 612, 617 98 LEd 2d 989 74 S. CT 190. THE PETITIONER  
 ONLY SEEKS AN EVENDENTARY HEARING FOR POSSIBLY  
 A NEW TRIAL AN/ OR ANY RELIEF THIS COURT SEEM  
 JUSTIFIED.

## SWORN AFFIDAVIT

I SWEAR THAT THE ABOVE IS TRUE AN/ OR CORRECT  
 TO THE BEST OF KNOWLEDGE THAT THERE WAS NEVER  
 ANY OCCASION I STALKED VONCIEL MINNIFIELD LOOK  
 ON ANY OCCASION NOR WAS THERE A  
 RESTRAINING ORDER ARE ANY TYPE OF ORDE  
 BY HER OR ANYONE SHE NOR I THE PETITIONER  
 SEEN EACH OTHER ON THE 23RD OF OCT 1998  
 I SWEAR John at Minnifield

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## INDICTMENT

IN THIS INSTANT THE INDICTMENT THE PLACE AND TIME IS OF  
 UTMOST IMPORTANT IN LITING THIS CASE UNDER RULE 13.2  
 SHALL BE PLAIN AND/OR CONCISE IN THE STATEMENTS OF  
 FACTS. WHEREAS THE DATE, TIME AND PLACE DO NOT INCLUDE  
 A UNDERSTANDING OF THE WORDING AND LANGUAGE SUFFICIENT  
 DEFINES TO INFORM A DEFENDANT WHAT HE HAS TO FACE  
 AND/OR DEFEND AGAINST NOR CULPABLE MENTAL STATE.  
 THEREFORE THE INDICTMENT SHOULD BE VOID AND CASE  
 RENDERED.

## NOTARY BLOCK

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13<sup>th</sup> OF February  
 2001 NOTARY MY COMMISSION EXPIRES Affiant  
 NOTARY Shirley Ann Smith 3/30/02 John Willie Winnifield

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IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA

v.

JOHN MINNIFIELD

CC 99-327.60 SMG

ORDER

This matter is before the Court on Petitioner's Petition for Relief from Conviction or Sentence, filed pursuant to Rule 32, Ala. R. Crim. P. on or about January 10, 2001. Upon consideration thereof, and having taken judicial notice of this Court's own records, this Court finds as follows:

1. Petitioner's claim that the State altered evidence and failed to introduce the complaint and affidavit is without merit. This Court finds that introduction of an affidavit and complaint as an evidentiary exhibit is not required under the law. This Court further finds that Petitioner's allegation that the State altered evidence is a bare allegation with no factual basis of support. Petitioner failed to make a clear and specific statement of the grounds upon which he sought relief and failed to make a full disclosure of the factual basis of those grounds in accordance with Rule 32.6(b) of the Ala. R. Crim. P.
2. Petitioner's claim that the State brought witnesses before this Court in his absence is without merit and Petitioner has failed to prove this claim by a preponderance of the evidence.
3. Petitioner's claim that the State invoked the habitual offender law without giving him an opportunity to challenge the legality of his prior convictions is without merit. This Court finds that

RECEIVED  
2-28-01  
CIRCUIT COURT CLERK



Petitioner was notified in writing of the State's intention to invoke all sentence enhancements including the habitual offender law on March 9, 1999. This Court further finds that Petitioner had from January 12, 1999, date of his conviction, to February 7, 1999, date of his sentencing, to contest the validity of his prior felonies and he failed to do so.

4. Petitioner's claim that the State fabricated his NCIC report and falsified cases before the Grand Jury is without merit. This Court finds that Petitioner failed to prove this claim by a preponderance of the evidence and failed to provide a clear and specific statement of the grounds upon which he seeks relief. Petitioner has made a bare allegation that a constitutional right has been violated and is therefore not entitled to relief.
5. Petitioner claims that all black males were illegally struck from the jury which heard his case. This Court finds that Petitioner has failed to prove this claim by a preponderance of the evidence and has only made a bare allegation that a constitutional right has been violated and is therefore not entitled to relief.
6. Petitioner's claim that the State's witnesses were unable to state that the victim was being stalked by Petitioner is without merit. This Court finds that this was the issue that was clearly before the jury that decided Petitioner's case and considered by them when finding Petitioner guilty of Stalking. This Court further finds that this is an issue which could have been but was not raised at trial or on appeal and therefore Petitioner is not entitled to relief.
7. This Court finds that all other claims addressed by Petitioner are without merit and are denied.
8. This Court finds that Petitioner's petition is due to be dismissed based on the grounds stated above and also due to the fact that

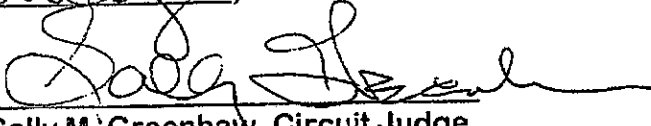


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all of the issues raised by Petitioner were raised on appeal or could have been but were not and are therefore precluded by Rule 32.2(a)(4),(5) of Ala. R. Crim. P.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, Petitioner's Petition is summarily dismissed in accordance with Rule 32.7(d), Ala. R. Crim. P. and all costs SHALL be taxed against Petitioner.

Done this 20<sup>th</sup> day of February, 2001.

  
Sally M. Greenhaw, Circuit Judge

Cc:

Petitioner

Hon. Daryl Bailey, Deputy District Attorney

47

John Willie Minnifield  
Appellant

VS

C.R. NO 99-327

Montgomery Alabama Cir. Ct.

State of Alabama  
Appellee

FORM 106. NOTICE OF APPEAL

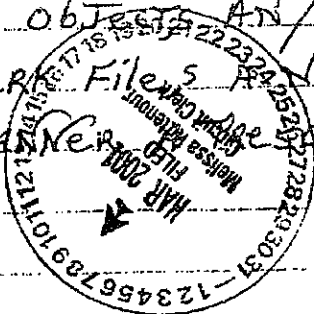
To The ALABAMA COURT OF CRIMINAL APPEALS

CONVICTION OF ORDER APPEALED FROM POST-CONVICTION RELIEF  
Rule 32. PRO/SE FROM THE CIRCUIT COURT OF MONTGOMERY CO. ALABAMA

DATE OF CONVICTION FILED JANUARY 10TH 2001

DATE OF DENIAL THE 20TH DAY OF FEBRUARY 2001

The PETITIONER John Willie Minnifield filed Rule 32 FOR POST  
CONVICTION RELIEF THROUGH Rule 32 ON Newly Discovered  
EVIDENCE, TO THIS COURT WHICH WAS DENIED THE 20TH OF Feb.  
2001. The PETITIONER IS GIVEN NOTICE OF APPEAL THROUGH THE  
CIR. CLERK, MILLISA RATTENOUR TO FILE WITH THE ALABAMA  
COURT OF CRIMINAL APPEAL THE FINAL ORDER OF THE  
MONTGOMERY CO. CIR. COURT, AND THE Rule 32. ANY AND  
ALL OBJECTS AND/OR PAPERS, ALONG WITH THE DATE THE  
CLERK FILES, NOTICE TO LET ME KNOW IN A TIMELY  
MANNER AS DESCRIBED BY LAW.



Respectfully Submitted  
John Willie Minnifield  
Done This 5th day OF MARCH 2001.

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ACR371

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF MONTGOMERY COUNTY  
 STATE OF ALABAMA VS MINNIFIELD JOHN WILLIE JUDGE: SARAH M. GREENHAW

APPEAL DATE: 03/05/2001

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NO  
 APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☒ YES ☐ NO  
 INDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NO  
 INDIGENT STATUS GRANTED ON APPEAL: ☒ YES ☐ NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,  
 WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 03/CC 1999 600327.50

ORDER ENTERED(DATE): 02202001 PETITION: X DISMISSED ☐ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

MOTION FOR NEW TRIAL \_\_\_\_\_  
 MOTION FOR JUDG. OF ACQUIT \_\_\_\_\_  
 MOTION TO W/D GUILTY PLEA \_\_\_\_\_  
 MOTION FOR ATTY TO W/DRAW \_\_\_\_\_  
 OTHER \_\_\_\_\_

COURT REPORTER(S):  
ADDRESS:APPELLATE COUNSEL #1:  
ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:  
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):  
ADDRESS:

AIS #: 112145

APPELLEE (IF CITY APPEAL):  
ADDRESS:

PRO SE

000-000-0000

00000

MINNIFIELD JOHN WILLIE  
 P.O. BOX 767  
 CLAYTON, AL 360160000

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 12 DAY OF March 2001

OPERATOR: PAA  
 PREPARED 3/12/2001  
*Melissa Pittman*  
 CIRCUIT COURT CLERK

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State of Alabama  
Unified Judicial System  
Form ARAP-26 (front) 8/91

COURT OF CRIMINAL APPEALS  
DOCKETING STATEMENT

Criminal Appeal Number

CR - 00 - 1167

## GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF Montgomery Co. Alabama COUNTY  
John Willie Minnifield, Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

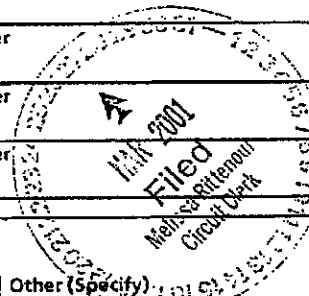
Case Number <u>99-327-60</u>	Date of Complaint or Indictment	Date of Judgment/Sentence/Order
Number of Days of Trial/Hearing <u>N/A</u> Days	Date of Notice of Appeal Oral: _____ Written: _____	
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## B. REPRESENTATION:

Is Attorney Appointed or Retained? <input type="checkbox"/> Appointed <input type="checkbox"/> Retained. If no attorney, will appellant represent self? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>John Willie Minnifield Pro/se</u>	Telephone Number _____
Address <u>P.O. Box 707 Ventress Cora.</u>	City <u>Clayton #</u>
State <u>Alabama</u>	Zip Code <u>36016</u>

## C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>NA</u>	Case Number
Codefendant	Case Number
Codefendant	Case Number



## D. TYPE OF APPEAL: Please check the applicable block.

1 <input type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify) _____
2 <input checked="" type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

## E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - § _____	6 <input type="checkbox"/> Trafficking in Drugs - § _____	11 <input type="checkbox"/> Fraudulent Practices - § _____
2 <input type="checkbox"/> Homicide - § _____	7 <input type="checkbox"/> Theft - § _____	12 <input checked="" type="checkbox"/> Offense Against Family - § _____
3 <input type="checkbox"/> Assault - § _____	8 <input type="checkbox"/> Damage or Intrusion to Property - § _____	13 <input type="checkbox"/> Traffic - DUI - § _____
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	9 <input type="checkbox"/> Escape - § _____	14 <input type="checkbox"/> Traffic - Other - § _____
5 <input type="checkbox"/> Drug Possession - § _____	10 <input type="checkbox"/> Weapons/Firearms - § _____	15 <input type="checkbox"/> Miscellaneous (Specify): _____ - § _____

## F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

## G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☐ Yes ☒ No

2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 3-22-01 (Date)

3. If the answer to question "1" is "No":

(a) Will a stipulation of facts be filed with the circuit clerk? ☒ Yes ☐ No

(b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☒ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

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Form ARAP-26 (back) 8/91

## COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
JAN.	10	2001	Rule 32.	Feb	20th	2001

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case. Nov. 23 1998 Charged Stalking of My wife which is Absurb. Were there evidence of stalking No. We Separated ON OCT. 9th 1998. After 1 week she moved back in but could not settle back in due to her CRACK ADDICTION AN INFIDELTY, CHEATING KEEPING THE KID OUT LATE. When I talked to her about it after 6 days back she left. Again and moved into Brownview Apt. After 2 weeks she would call me on my job about coming over to her apt. to have dinner I did because I wanted to save my marriage. She said she wanted to come back after I put down the new carpet. Later that Friday she beg me to get her a phone, I did purchase a Ellar phone for her, she given me the number on Monday she had the No. changed every one had the new number but me. We talked everyday on job phone she still used my bank account to withdraw money. on Thursday night I went over to get the vacuum cleaner believing we were going back together. she had a man Pete ROSE in the house I snatched and kicked the door her and Pete Rose hid in the closet the 14 year old daughter tried to keep me out of the bed room in tussling, with her I slapped her by mistake. She screamed and jumped through the window Pete Rose pushed my wife out of the closet and she went through the window I chased her with a hatchet but never caught her, I were arrested. (HARRASSMENT DISORDERLY CONDUCT which I appealed there after going down Ripley St. between Adam & Washington I left word with her co-workers that I was going out of town we need to talk upon my return

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

- (1) Defected indictment
  - (2) state altered evidence AN withheld evidence
  - (3) state brought witness before the court in my absence
  - (4) State did not mention HOA UNTIL sentence date
  - (5) state did fabricate N.C.I.C. Report with false cases
  - (6) state used City cases to get a conviction. which is inadmissible
  - (7) state use one of it star witness testimony to convict witness did not use her own name while under oath before the jury
- All of the above I have evidence, Banishment from Montgomery OR go to Jail

K. SIGNATURE:

3-22-2001  
Date

NA/ PRO/SE  
Signature of Attorney/Party Filing this Form



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State of Alabama Unified Judicial System Form ARAP- 1C      8/91	<b>REPORTER'S TRANSCRIPT ORDER -- CRIMINAL</b> <small>See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)</small>	Criminal Appeal Number <u>CR-00-1167</u>
--	--	---

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT    ☐ DISTRICT COURT    ☐ JUVENILE COURT OF \_\_\_\_\_ COUNTY  
John Willie Minnifield \_\_\_\_\_, Appellant

V.    ☒ STATE OF ALABAMA    ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>99-327-60 smg</u>	Date of Judgment/Sentence/Order <u>20th day of Feb 2001</u>
Date of Notice of Appeal Oral: _____      Written: <u>3-13-01</u>	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY. IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT, I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

John Willie Minnifield      3-22-01      John Willie Minnifield  
 Signature      Date      Print or Type Name

**PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED.** Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App P.)):

**MARK PROCEEDINGS REQUESTED:**

A. ☐ **TRIAL PROCEEDINGS** - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately

B. ☐ **ORGANIZATION OF THE JURY** - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)

C. ☐ **ARGUMENTS OF COUNSEL** - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP.)

**IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):**

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____	_____	_____
E. _____	_____	_____
F. _____	_____	_____
G. _____	_____	_____

**IMPORTANT NOTICE:** The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R.App.P.)


**PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:**

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

John Willie Minnifield      3-22-01      John Willie Minnifield  
 Signature      Date      Print or Type Name

**DISTRIBUTION:** Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

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State of Alabama Unified Judicial System Form ARAP- 14 11/91	<b>CERTIFICATE OF COMPLETION AND TRANSMITTAL OF RECORD ON APPEAL BY TRIAL CLERK</b>	Appellate Case Number _____
TO: THE CLERK OF THE COURT OF CRIMINAL APPEALS OF ALABAMA		DATE OF NOTICE OF APPEAL: 3/5/2001
APPELLANT JOHN WILLIE MINNIFIELD		
V. STATE OF ALABAMA		
<p>I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of _____ pages) (_____ volumes of 200 pages each and one volume of _____ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.</p> <p>I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.</p> <p>Dated this <u>18</u> day of <u>APRIL</u> <del>X19</del> 2001</p> <p> _____ Circuit Clerk</p> <p>MONTGOMERY COUNTY</p> <p>_____</p>		



gb  
① Doc. No. 104732

CR-00-1167.

DOCUMENT NAME: MINNIFIELD, JOHN WILLIE.

CLIENT &amp; MATTER: 25847-001

## DESCRIPTION:

County: MONTGOMERY

CC#s: 1999. 327.60

Attorney: PRUD

Circle: TRANSCRIPT CASE FILE BOTHLWOP: Yes No

1 VOL.

MJPV

CERTIFICATION

I hereby certify that the preceding imaged records and documents  
are a true, accurate, and complete image of the original records or  
documents as received by the Office of the Attorney General of

the State of Alabama.

This the 14<sup>th</sup> day of March, 2006.Signed: Melissa A. MartinNotary: Coleen F. Gibson

Coleen F. Gibson  
Notary Public  
Commission expires 06/11/06